

REMARKS

Claims 1-65 are pending in the present application. By this amendment, the specification is amended.

The Office Action objects to the drawings as failing to comply with 37 CFR 1.84(p)(5). Applicant believes that the amendments to the specification overcome the objections. Approval is requested.

The Office Action objects to the disclosure because of informalities regarding certain terms that the Office Action admits are well known, but asserts that they must be defined. It is respectfully asserted that these terms are so well known as to be readily understood such that further definition is not required. However, to advance prosecution, the specification has been amended to define these terms. Withdrawal of the objection is requested.

The Office Action objects to the disclosure asserting that it contains embedded hyperlinks or browser executable code. The Office Action asserts that applicants argued that the information pointed to by such hyperlinks is necessary for a full understanding of the invention, and requires the applicant to provide the information in the form of an IDS. Applicants never asserted that any information pointed to by such hyperlinks is necessary for a full understanding of the invention, but instead asserted that the hyperlinks themselves are needed for a full understanding of the invention. Further, it is noted that MPEP 608.01 indicates that in the present circumstances the hyperlinks should not be objected to:

“Where the hyperlinks and/or other forms of browser-executable codes themselves rather than the contents of the site to which the hyperlinks are directed are part of applicant's invention and it is necessary to have them included in the patent application in order to comply with the requirements of 35 U.S.C. 112, first paragraph, and applicant does not intend to have these hyperlinks be active links, examiners should not object to these hyperlinks. The Office will disable these hyperlinks when preparing the text to be loaded onto the USPTO web database.”

Most of the hyperlinks in the specification, other than those in [0013], are not intended to be active links, and those hyperlinks (other than those in [0013]) are needed for a proper understanding of the invention. The hyperlinks in [0013] have been deleted, as they were active hyperlinks provided for background, and are not needed for a proper understanding of the invention. Withdrawal of the objection is requested.

The Office Action rejects claims 1-4, 12, 20-23, 31, 39-42, 50 and 58 under 35 USC 103 over Tadayon (US Pat Pub. 2002/0184156) in view of Brody (US Pat Pub. 2001/0051928), Collins (US Pat. 6,138,153) and Sato (US Pat. Pub 2003/0041123), and rejects claims 5-11, 13-19, 24-30, 32-38, 43-49, 51-57 and 59-65 under 35 USC 103 over Tadayon, Brody, Collins, Sato and further in view of Stefik (US Pat. 6,920,436). These rejections are respectfully traversed.

Claim 1 includes the recitations “determining if transfer software to transfer the file only to the specific type of memory device is installed at the recipient” and “sending the file to the recipient to be stored on the second memory device only if the transfer software to install only to the specific type of memory device is installed.” Independent claims 20 and 39 contain substantially the same features. It is respectfully asserted the applied references do not disclose or suggest these novel features. In particular, the applied references do not determine if transfer software to transfer the file only to the specific type of memory device is installed at the recipient, nor do they disclose or suggest sending the file to the recipient to be stored on the second memory device only if the transfer software to install only to the specific type of memory device is installed.

The Office Action refers to Sato as “recording to only a specific type of memory if the software is installed.” However this is not the feature recited in the claims. Instead, the claims recite “determining if transfer software to transfer the file only to the specific type of memory device is installed at the recipient.” Sato does not disclose or suggest “determining if transfer software to transfer the file only to the specific type of memory device is installed at the recipient” as required the claims.

Instead, Sato discloses that a record company A produces the package media M each composed of a suitably packaged optical disc 2 to which desired content data downloaded from the server 20 may be recorded by a user terminal 30 set up by the user D. Each package M may be various type of media such as CD-R, CD-RW, DVD-R, DVD-RW or a Blue-ray disc. See [0032] and [0033]. A server 20 which sends content to be recorded on the media M includes a judging unit 25 that judges whether the user D accessing the server 20 has a legitimately purchased package medium M. The judging unit 25 determines whether the optical disc 2 loaded by the user D into the user terminal 30 is a legitimate disc based on the disc ID data sent from the terminal 30, and will transfer data only if it can confirm the disc ID data.

Thus, Sato does not disclose “determining if transfer software to transfer the file only to the specific type of memory device is installed at the recipient” as required by the claims, but instead looks for specific disc ID data to determine whether to transfer the data, and will transfer the data no matter what type of memory device is present as long as the disc ID data is correct. The type of media or memory device is irrelevant to Sato, the only item checked is the disc ID data. In fact, Sato teaches that the media could be any one of numerous types, and does not disclose checking to see which type is installed.

Accordingly, claims 1, 20 and 39, and all claims dependent therefrom, would not have been obvious over the applied references.

Independent claim 12 recites “receiving at least one criterion that a memory device at a recipient must have to store information to be sent from a sender, the at least one criterion being a type of the memory device” and “sending the file to the recipient to be stored on the second memory device, if the second memory device has the one or more criteria.” Independent claims 31, 50 and 58 contain substantially the same features. It is respectfully asserted the applied references do not disclose or suggest these novel features. In particular, the applied references do not receive at least one criterion that a memory device at a recipient must have to store information to be sent from a sender, the at least one criterion being a type of the memory device, nor do they disclose or suggest sending the file to the recipient to be stored on the second

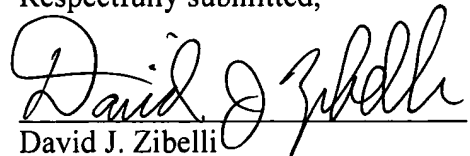
memory device, if the second memory device has the one or more criteria as required by these claims.

The Office Action again refers to Sato as disclosing this feature. However, as explained above, Sato checks to see if the ID is correct, but never checks as to the type of the memory device as required by the claims. Accordingly, claims 12, 31, 50 and 58, and all claims dependent therefrom, would not have been obvious over the applied references.

For the above reasons, it is submitted that the application is in condition for allowance. Prompt consideration and allowance are solicited.

The Examiner is invited to contact the undersigned at (202) 220-4200 to discuss any matter concerning this application. Applicants authorize the Commissioner to charge any fees determined to be due under 37 C.F.R. 1.16, 1.17 or 1.136 or credit any overpayment to Deposit Account No. 11-0600.

Respectfully submitted,



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